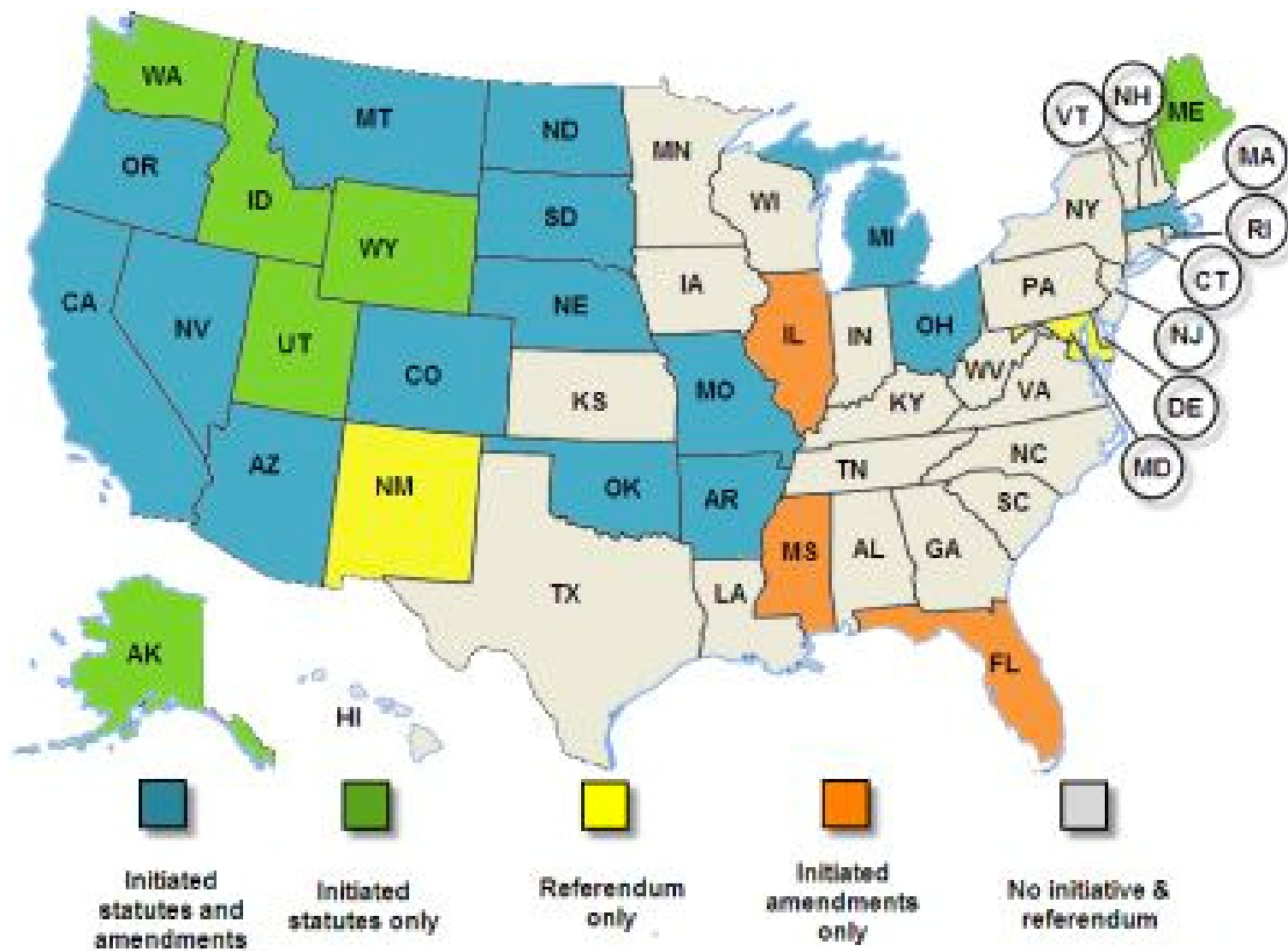


Initiatives & Referenda in the 50 States

2017 South Dakota Initiative and Referendum Task Force
June 20, 2017



State Regulations: Type of Process

- Type of ballot measure
- Direct vs. indirect process

<i>State</i>	<i>Adopted</i>	<i>Type of process</i>		<i>Type of Initiative</i>		<i>For Const. Amend</i>		<i>For Statutes</i>	
		<i>Initiative</i>	<i>Pop. Refer</i>	<i>Const. Amend</i>	<i>Statute</i>	<i>Direct</i>	<i>Indirect</i>	<i>Direct</i>	<i>Indirect</i>
AK	1956	X	X		X				X
AZ	1911	X	X	X	X	X		X	
AR	1910	X	X	X	X	X		X	
CA	1911	X	X	X	X	X		X	
CO	1912	X	X	X	X	X		X	
FL	1972	X		X		X			
ID	1912	X	X		X			X	
IL	1970	X		X		X			
ME	1908	X	X		X				X
MD	1915		X						
MA	1918	X	X	X	X		X		X
MI	1908	X	X	X	X				X
MS	1914	X		X			X		
MO	1908	X	X	X	X	X		X	
MT	1904	X	X	X	X	X		X	
NE	1912	X	X	X	X	X		X	
NV	1905	X	X	X	X	X			X
NM	1911		X						
ND	1914	X	X	X	X	X		X	
OH	1912	X	X	X	X	X			X
OK	1907	X	X	X	X	X		X	
OR	1902	X	X	X	X	X		X	
SD	1898	X	X	X	X	X		X	
UT	1900	X	X		X			X	X
WA	1912	X	X		X			X	X
WY	1968	X	X		X				X
TOTAL	27	24	24	18	21	16	2	14	9

State Regulations: Pre-Circulation

- Pre-circulation filing requirements
- Ballot title/circulation/summary
- Restrictions on subject area

State Regulations: Signature Collection

- Number and frequency of ballot measures
- Petition circulator requirements
- Signature requirements
- Geographic distribution
- Circulation period
- Signature collection at polling locations
- Verification process

<i>State</i>	<i>Number/Frequency</i>	<i>Signatures for Const. Amend</i>	<i>Signatures for Statute</i>	<i>Geographic Distribution</i>	<i>Circulation Period</i>
AK		Prohibited	10% GE	X	1 year
AZ		15% Gub.	10% Gub.		2 years
AR		10% Gub.	8% Gub.	X	unlimited
CA		8% Gub.	5% Gub.		150 days
CO		5% Gub.	5% SOS	X	6 mo.
FL		8% Pres.	Prohibited	X	2 years
ID		Prohibited	6% Reg. Voters	X	18 mo.
IL	X	8% Gub.			2 years
ME		Prohibited	10% Gub.		1 year
MA	X	Prohibited	3.5% Gub.	X	60 days
MI		10% Gub.	8% Gub.		180 days
MS	X	12% Gub.	Prohibited	X	1 year
MO		8% Gub.	5% Gub.	X	18 mo.
MT		10% Reg. Voters	5% Reg. Voters	X	1 year
NE	X	10% Reg. Voters	7% Reg. Voters	X	Up to 2 years
NV		10% Reg. Voters	10% GE	X	291 days (CA)/316 (stat)
ND		4% Pop.	2% Pop.		1 year
OH		10% Gub.	6% Gub.	X	unlimited
OK	X	15% Gub.	8% Gub.		90 days
OR		8% Gub.	6% Gub.		2 years
SD		10% Gub.	5% Gub.		1 year
UT		Prohibited	10% Gub.	X	unlimited
WA		Prohibited	8% Gub.		6 mo.
WY	X	Prohibited	15% GE	X	18 mo.

State Regulations: Voting and Approval

- Voter education efforts
- Voter approval
- Conflicting measures
- Repeal or amend

Legislative and Executive Power to Change or Repeal Statutory Initiatives

State	Legislative Power
Alaska	Can repeal only after two years but can amend anytime
Arizona	Cannot repeal but can amend an initiative law if the amending legislation furthers the purposes of such measure and at least 3/4 of both houses, by a roll call vote, vote to amend the measure
Arkansas	Can repeal or amend by a 2/3 vote of each house
California	Cannot repeal or amend unless permitted by the initiative
Colorado	Can repeal and amend at anytime
Florida	Florida's initiative process only allows constitutional amendments
Idaho	Can repeal and amend
Maine	Can repeal and amend
Massachusetts	Can repeal and amend
Michigan	Can repeal and amend by a 3/4 vote of each house or as otherwise provided by the initiative
Mississippi	Mississippi's initiative process only allows constitutional amendments
Missouri	Can repeal and amend
Montana	Can repeal and amend
Nebraska	Can repeal and amend
Nevada	Can only repeal or amend after three years of enactment
North Dakota	Can repeal or amend by a 2/3 vote of each house for seven year after passage, majority vote thereafter
Ohio	Can repeal and amend
Oklahoma	Can repeal and amend
Oregon	Can repeal and amend
South Dakota	Can repeal and amend
Utah	Can amend only at subsequent sessions
Washington	Can repeal or amend by a 2/3 vote of each house during the first two years of enactment, majority vote thereafter
Wyoming	Cannot repeal for at least two years after enactment, but may amend at any time

Source: Initiative and Referendum Institute (2003)

Table 5-1 Index of Qualification Difficulty and Initiative Use

<i>State</i>	<i>Year initiative process adopted</i>	<i>Qualification difficulty^a</i>	<i>Number of initiatives from adoption to 2010</i>	<i>Number from 1976 to 1996</i>	<i>Number from 1996 to 2010</i>
Oregon	1902	0	355	86	78
California	1911	1	340	98	102
Colorado	1912	1	215	46	57
North Dakota	1914	1	179	34	15
Arkansas	1909	2	120	16	10
Idaho	1912	2	28	13	8
Michigan	1908	2	72	18	13
Ohio	1912	2	77	18	14
South Dakota	1898	2	64	24	21
Arizona	1912	3	172	29	36
Massachusetts	1918	3	72	25	20
Missouri	1906	3	81	18	20
Montana	1904	3	77	27	22
Oklahoma	1907	3	85	11	5
Utah	1900	3	20	9	4
Washington	1912	3	163	39	51
Florida	1972	4	32	14	21
Illinois	1970	4	1	1	0
Maine	1908	4	52	23	21
Nebraska	1912	4	46	13	15
Nevada	1904	4	54	13	24
Alaska	1959	5	47	18	25
Mississippi	1992	5	2	1	1
Wyoming	1968	6	6	4	1

SOURCES: Assembled by the authors from data in David B. Magleby, *Direct Legislation: Voting on Ballot Propositions in the United States* (Baltimore: Johns Hopkins University Press, 1984); National Conference of State Legislatures, "Initiative States Ranked in Order of Use, 1898–1999," and "Initiative States Ranked in Order of Use, 1990–2004" (Denver: National Conference of State Legislatures, 2000, 2005), www.ncsl.org/programs/legman/elect/inrank.htm; and Initiative and Referendum Institute, www.iandriinstitute.org/data.htm.

<i>State</i>	<i>Avg. BM per Election</i>	<i>Success Rate</i>	<i>Avg. BM per Election for Last 10 Years</i>	<i>Success Rate for Last 10 Years</i>	<i>Index Value</i>
CA	6.2	0.3	11.5	0.4	1
OR	6.6	0.4	7.5	0.4	0
SD	2.6	0.4	5.3	0.3	2
AZ	3.8	0.5	5.2	0.5	3
CO	4.4	0.4	4.8	0.4	1
WA	3.0	0.5	4.5	0.5	3
OK	2.1	0.5	4.3	0.6	3
ND	3.6	0.4	4.0	0.5	1
MO	2.6	0.4	3.8	0.7	3
FL	3.1	0.7	3.8	0.7	4
AR	2.9	0.5	3.4	0.8	2
MA	2.6	0.6	3.3	0.4	3
NV	2.1	0.6	3.2	0.7	4
ME	1.9	0.5	3.1	0.6	4
AK	2.3	0.5	2.8	0.5	5
MT	2.4	0.5	2.8	0.8	3
UT	1.9	0.4	2.7	0.8	3
ID	1.8	0.6	2.6	0.4	2
MI	2.1	0.4	2.3	0.3	2
OH	1.8	0.2	2.3	0.4	2
WY	2.3	0.6	2.0	0.6	6
NE	1.7	0.4	1.8	0.7	4
MS	1.2	0.5	1.5	0.5	5
IL	1.0	1.0	1.0	1.0	4
Corr.	-0.3874		-0.3466		